

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ROSA ASECIO,

Plaintiff,

- against -

MICHAELS STORES, INC.,

Defendant.  
-----X

Civil Action No.:

**NOTICE OF REMOVAL**

**TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK:**

Defendant, MICHAELS STORES, INC. (“Michaels”) (hereinafter “Defendant”), upon information and belief, respectfully petitions the Court, pursuant to 28 U.S.C. 1441, as follows:

1. On or about May 24, 2021, the above-captioned civil action was commenced and is now pending in the Supreme Court of the State of New York, County of Bronx. A trial has not yet been had therein. A copy of the Summons and Complaint is annexed as **Exhibit “A”**. A copy of the affidavit of service is annexed as **Exhibit “B”**.

2. On or about July 8, 2021, Defendant filed its Verified Answer to plaintiff’s Complaint. A copy of Defendant’s Verified Answer is annexed as **Exhibit “C”**.

3. The action seeks monetary damages for personal injuries allegedly suffered by plaintiff, ROSA ASECIO, after a partition allegedly fell over and struck plaintiff while she was at a Michaels store located at 840 Pelham Parkway, Pelham Manor, New York. Plaintiff’s Complaint sounds in negligence. See Exhibit A at ¶¶ 8-9.

4. The action involves a controversy between citizens of different states, in that: (a) Plaintiff is a citizen of the State of New York; and (b) Petitioner, Defendant, Michaels is now and

was at the time the action was commenced a corporation incorporated in the State of Delaware with its principal place of business in the State of Texas.

5. This action is one of which the District Courts of the United States have original jurisdiction under 28 U.S.C. § 1332. There is complete diversity between Petitioner and Plaintiff.

6. In addition, annexed as **Exhibit “D”** is plaintiff’s Bill of Particulars, dated August 23, 2021, and received by the undersigned on September 13, 2021, in which plaintiff confirmed that she is seeking \$1 million in compensatory damages as a result of the subject accident. See Exhibit D at ¶ 20.

7. This Notice of Removal is being filed within thirty (30) days of receipt of plaintiff’s written allegation that her alleged damages exceed \$75,000. See Exhibit D.

8. Written notice of the filing of this Notice of Removal will be given to plaintiff promptly after the filing of this Notice.

9. A true and correct copy of this Notice of Removal will be filed with the Clerk of the Court of the Supreme Court of the State of New York, County of Bronx, promptly after the filing of this Notice.

10. Attached to this Notice and by reference made a part hereof are true and correct copies of all process and pleadings filed herein.

11. By filing this Notice of Removal, Defendant does not waive any defense which may be available to it.

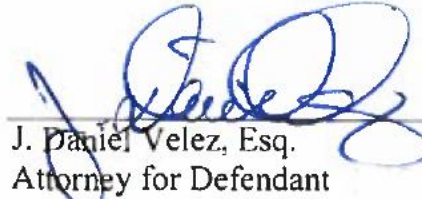
**WHEREFORE**, Defendant requests that the above-captioned action now pending in the Supreme Court in the State of New York, County of Bronx, be removed therefrom to this Honorable Court.

Dated: Garden City, New York  
October 7, 2021

Yours, etc.

**GOLDBERG SEGALLA LLP**

By:

A handwritten signature in blue ink, appearing to read "J. Daniel Velez", is written over a horizontal line.

J. Daniel Velez, Esq.  
Attorney for Defendant

*MICHAELS STORES, INC.*

**Mailing Address: P.O. Box 780  
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File No.: 10996.0070

TO: MARK EDWARD GOLDBERG  
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